

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRINCIPLE HOMECARE, LLC, MARTON
CARE INC., PROMPT HOME CARE LLC, and
CARE CONNECT CDPAP, INC.,

Plaintiffs,

v.

JAMES V. MCDONALD, in his official capacity
as Commissioner of the New York State
Department of Health,

Defendant.

No. 24-cv-07071-MMG

**NOTICE OF MOTION
TO DISMISS**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of his Motion to Dismiss, dated November 1, 2024, the Declaration of Jessica Preis, dated November 1, 2024, together with the exhibits thereto, and upon all prior pleadings and proceedings had herein, Defendant James V. McDonald, sued in his official capacity as Commissioner of the New York State Department of Health, will move this Court before the Honorable Margaret M. Garnett, United States District Judge, at the United States Courthouse for the Southern District of New York located at 40 Foley Square, New York, New York 10007, at a date and time to be determined by the Court, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint in its entirety and with prejudice, together with such other and further relief as is just and proper.

PLEASE TAKE FURTHER NOTICE that in accordance with the Court's September 30, 2024 order, Plaintiffs shall have until December 12, 2024, to oppose the motion or, in accordance with Rule II(B)(6) of the Court's Individual Rules, file an

amended complaint, and Defendant shall file his reply in support of his motion to dismiss no later than December 19, 2024.

Dated: New York, New York
November 1, 2024

LETITIA JAMES
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